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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,679	12/14/2000	John E. Schier	062891.0434	2124

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Barton E. Showalter
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

TESLOVICH, TAMARA

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,679

Applicant(s)

SCHIER, JOHN E.

Examiner

Andrew Caldwell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/07/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The specification is objected to under 37 CFR 1.75(d) for failing to failing to provide clear antecedent basis for the terms and phrases used in the claims. In particular, the specification fails to adequately link the corresponding structure, material, or acts in the specification with the particular means plus function limitations of claims 15-18. Per MPEP 2181, the Applicants are required to either (a) state on the record or (b) amend the specification to state the corresponding structure, material or acts to perform the recited function. MPEP 2181. A complete response to this requirement will address each and every means presented in the claims, including the dependent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use

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1 or on sale in this country, more than one year prior to the
2 date of application for patent in the United States;
3

4 (e) the invention was described in (1) an application for
5 patent, published under section 122(b); by another filed in
6 the United States before the invention by the applicant for
7 patent or (2) a patent granted on an application for patent
8 by another filed in the United States before the invention
9 by the applicant for patent, except that an international
10 application filed under the treaty defined in section
11 351(a) shall have the effects for purposes of this
12 subsection of an application filed in the United States
13 only if the international application designated the United
14 States and was published under Article 21(2) of such treaty
15 in the English language.
16
17
18
19

20 Claims 1-9,11,15-19,21,24,25,28,30,31 are rejected under 35
21 U.S.C. 102(b) as being anticipated by Landwehr et al (US pat
22 5,892,901).
23

24 Regarding claim 1, Landwehr teaches a method for providing
25 a secure operating environment for a network accessible system
26 comprising:

27 accessing a delay timer operably coupled to a communication
28 module, the delay timer including a delay time interval (col.5
29 lines 29-34);

30 comparing the delay time interval to an activity associated
31 with the system communicating with the network (col.3 lines 45-
32 65); and

1 isolating the communication module from the network based
2 on the comparison (col.3 lines 4-6; col.3 lines 26-28; col. 4
3 lines 31-40).

4
5 Regarding claim 2, Landwehr teaches disabling the
6 communication module if the communication module remains idle
7 for a time period greater than the delay time interval (col.3
8 lines 59-65).

9
10 Regarding claim 3, Landwehr teaches the disabling includes
11 reducing a power state associated with the communication module
12 (col.2 line 65 thru col.3 line 6).

13
14 Regarding claim 4, Landwehr teaches detecting a user
15 initiated request to access the network;
16 altering the power state of the communication module;
17 initializing the communication module to communicate with
18 the network; and
19 initializing the delay timer (col.3 lines 25-65).

20
21 Regarding claim 5, Landwehr teaches the disabling
22 further comprises removing power supplied to the
23 communication module (col.2 line 65 thru col.3 line 6).

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1 Regarding claim 6, Landwehr teaches the isolating
2 further comprises disconnecting a communication port
3 associated with the communication module (col.4 lines 30-34).
4

5 Regarding claim 7, Landwehr teaches initializing the
6 delay timer in response to the system initiating
7 communication with the network (col.3 lines 32-38).
8

9 Regarding claim 8, Landwehr teaches adjusting the delay
10 time interval using a software interface associated with the
11 delay timer (col.4 lines 49-57).
12

13 Regarding claim 9, Landwehr teaches adjusting the delay
14 time interval using a hardware interface associated with the
15 delay timer (col.4 lines 49-57).
16

17 Regarding claim 11, Landwehr teaches accessing a network
18 location;
19

20 disabling the communication module upon the
21 communication module being idle for a time period greater
22 than the delay time interval; and
23

24 enabling the communication module upon determining a
25 request to access the network location (col.3 lines 25-65).
26

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1 Claims 15-18, they are apparatus claims written in means
2 plus function form that correspond to method claims 1-4,
3 respectively, and are rejected for the same reasons.

4
5 Claims 19 and 21 are substantially equivalent to claims
6 1 and 11 respectively, therefore claims 19 and 21 are
7 rejected because of similar rationale.

8
9 Regarding claim 24, Landwehr teaches a communication
10 module operable to communicate information via the network
11 (col.2 line 65 thru col.3 line 6);

12 a delay timer operably coupled to the communication
13 module (col.5 lines 29-34); and

14 the delay timer including a delay time interval operable
15 to enable communication between the communication module
16 and the network (col.5 lines 29-34).

17 Regarding claim 25, Landwehr teaches a data bus coupled to
18 the communication module and a processor;

19 and the data bus operable to communicate information based
20 on the delay time interval (col.2 line 61 thru col.3 line 7;
21 col.3 lines 59-65).

22

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1 Regarding claim 28, Landwehr teaches the delay time
2 interval programmed via an interface associated with the delay
3 timer (col.5 lines 29-34).

4
5 Regarding claim 30, Landwehr teaches a power state
6 operably associated with the delay timer and the power state
7 operable to provide power to the communication module (col.3
8 lines 22-25).

9
10 Regarding claim 31, Landwehr teaches a communication
11 port communicatively coupling the communication module and
12 the network; and the communication port operable based on the
13 delay time interval (col.4 lines 30-34).

14
15 Claims 1-7 and 10-33 are rejected under 35 U.S.C. 102(e) as
16 being anticipated by Konaka et al (US pat 6,256,742).

17
18 Regarding claim 1, Konaka anticipates the claimed invention
19 by disclosing a method comprising:

20 Accessing a delay timer operably coupled to a communication
21 module, the delay timer including a delay time interval (col. 8
22 lines 41-45 - polling period as delay time interval);

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1 Comparing the delay time interval to an activity associated
2 with the system communicating with the network (col. 8 lines 41-
3 45 - status of link as activity);

4 Isolating the communication module from the network based
5 on the comparison (col. 8 lines 54-61 - powering Fig. 2 elem.
6 270 down).

7 Regarding claim 2, Konaka teaches the step of disabling the
8 communication module if the communication module remains idle
9 for a time period greater than the delay time interval (col. 8
10 lines 54-61).

11 Regarding claim 3, Konaka teaches a method wherein the
12 disabling includes reducing a power state associated with the
13 communication module (col. 8 lines 54-61).

14 Regarding claim 4, Konaka teaches a method further
15 comprising detecting a user initiated request to access the
16 network; altering the power state of the communication module;
17 initializing the communication module to communicate with the
18 network; and initializing the delay timer (col. 7 lines 47-51
19 link confirmation request from operator; col. 8 lines 41-61).

20 Regarding claim 5, Konaka teaches a method wherein the
21 disabling further comprises removing power supplied to the
22 communication module (col. 8 lines 54-61).

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1 Regarding claim 6, Konaka teaches a method wherein the
2 isolating further comprises disconnecting a communication port
3 associated with the communication module (col. 7 52-59).

4 Regarding claim 7, Konaka teaches a method further
5 comprising initializing the delay timer in response to the
6 system initiating communication with the network (col. 8 lines
7 4-13).

8 Regarding claim 10, Konaka teaches a method further
9 comprising locating a reference within a memory associated with
10 the delay timer, the reference operably associated with enabling
11 the communication module and removing the reference in response
12 to the communication module being idle for a time period greater
13 than the delay time interval (Fig. 2 elem. 202 control register
14 ; col. 8 lines 46-61).

15 Regarding claim 11, Konaka teaches a method further
16 comprising accessing a network location; disabling the
17 communication module upon the communication module being idle
18 for a time period greater than the delay time interval; and
19 enabling the communication module upon determining a request to
20 access the network location (col. 7 line 66 to col. 8 line 3;
21 col. 8 lines 41-61).

22

1 Regarding claim 12, Konaka teaches disabling the
2 communication module upon the communication module remaining
3 idle for a time period greater than the delay time interval;
4 storing a network reference operable to identify the network
5 location; removing a communication module reference from a
6 memory stack associated with the communication module, the
7 communication module reference associated with enabling the
8 communication module; and copying the communication module
9 reference to the memory stack upon detecting a request by the
10 system to access the network location (col. 7 line 66 to col. 8
11 line 3; col. 8 lines 41-61).

12 Regarding claim 13, Konaka teaches enabling the
13 communication module and accessing the network location using
14 the network reference (col. 7 line 66 to col. 8 line 3; col. 8
15 lines 41-61).

16 Regarding claim 14, Konaka teaches a method further
17 comprising initializing the delay timer upon detecting a user
18 initiated request to access the network (col. 7 line 66 to col.
19 8 line 3; col. 8 lines 41-61).

20 Regarding claim 32, Konaka teaches a method wherein the
21 activity associated with the system is any communication between
22 the system and the network (col. 8 lines 41-45).

1 Claims 10,20,27 are rejected under 35 U.S.C. 103(a) as
2 being unpatentable over Landwehr, and further in view of Namma
3 et al (US pat 6,185,616).

4
5 Regarding claim 10, Landwehr teaches the method of claim 1,
6 but does not teach locating a reference within a memory
7 associated with the delay timer, the reference operably
8 associated with enabling the communication module; and removing
9 the reference in response to the communication module being idle
10 for a time period greater than the delay time interval.

11 Namma does teach locating a reference within a memory
12 associated with the delay timer, the reference operably
13 associated with enabling the communication module (col.6 lines
14 17-48); and removing the reference in response to the
15 communication module being idle for a time period greater than
16 the delay time interval (col.6 lines 40-48). It would have been
17 obvious to one of ordinary skill in the art to combine
18 Landwehr's secure identification system with Namma's teaching of
19 removing data associated with communication connection in order
20 to provide an improved method of disconnecting communication
21 between clients and servers (Namma col.1 lines 52-54; col.6
22 lines 1-9).

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1 Claim 20 is substantially equivalent to claim 10, therefore
2 claim 20 is rejected because of similar rationale.

3
4 Regarding claim 27, Namma teaches a communication module
5 reference operable to be stored within memory (col.6 lines 18-
6 22).

7
8
9 Claims 12-14,22,23 are rejected under 35 U.S.C. 103(a) as
10 being unpatentable over Landwehr, and further in view of Namma
11 et al and Virtanen (US pat 6,249,681).

12
13 Regarding claim 12, Landwehr teaches disabling the
14 communication module upon the communication module remaining
15 idle for a time period greater than the delay time interval
16 (col.3 lines 59-65), but does not teach storing a network
17 reference operable to identify the network location; removing a
18 communication module reference from a memory stack associated
19 with the communication module, the communication module
20 reference associated with enabling the communication module; and
21 copying the communication module reference to the memory stack
22 upon detecting a request by the system to access the network
23 location.

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1 Namma teaches storing a network reference operable to
2 identify the network location; removing a communication module
3 reference from a memory stack associated with the communication
4 module, the communication module reference associated with
5 enabling the communication module (col.6 lines 17-48). It would
6 have been obvious to one of ordinary skill in the art to combine
7 Landwehr's secure identification system with Namma's teaching of
8 removing data associated with communication connection in order
9 to provide an improved method of disconnecting communication
10 between clients and servers (Namma col.1 lines 52-54; col.6
11 lines 1-9).

12 Virtanen teaches storing a network reference operable to
13 identify the network location (col.4 lines 21-43), disabling the
14 communication module upon the communication module remaining
15 idle for a time period greater than the delay time interval
16 (col.2 lines 42-51), and copying the communication module
17 reference to the memory stack upon detecting a request by the
18 system to access the network location (col.5 lines 1-7). It
19 would have been obvious to one of ordinary skill in the art to
20 combine Landwehr's secure identification system with Virtanen's
21 teaching of re-establishing communication in order to provide an
22 improved and more efficient method that re-establishes
23 communication between to parties after communication has been

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1 disconnected, interrupted, or disabled (col.3 lines 23-33; col.3
2 lines 40-58).

3
4 Regarding claim 13, Landwehr, Namma, and Virtanen teach the
5 method of claim 12, in addition Virtanen teaches enabling the
6 communication module; and accessing the network location using
7 the network reference (col.5 lines 1-7).

8
9 Regarding claim 14, Landwehr, Namma, and Virtanen teach the
10 method of claim 12, in addition Landwehr teaches initializing
11 the delay timer upon detecting a user initiated request to
12 access the network (col.3 lines 32-37).

13
14 Claims 22 and 23 are substantially equivalent to claims 12
15 and 13 respectively, therefore claims 22 and 23 are rejected
16 because of similar rationale.

17
18 Claim 26 rejected under 35 U.S.C. 103(a) as being
19 unpatentable over Landwehr, and further in view of Virtanen.

20
21 Regarding claim 26, Landwehr teaches the device of claim
22 24, but does not teach a memory operable to store the delay
23 timer interval. Virtanen teaches a memory operable to store the

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1 delay timer interval (col.6 lines 38-40; col.8 lines 54-63). It
2 would have been obvious to one of ordinary skill in the art to
3 combine Landwehr's secure identification system with Virtanen's
4 teaching of re-establishing communication in order to provide an
5 improved and more efficient method that re-establishes
6 communication between to parties after communication has been
7 disconnected, interrupted, or disabled (col.3 lines 23-33; col.3
8 lines 40-58).

9
10 Claim 29 rejected under 35 U.S.C. 103(a) as being
11 unpatentable over Landwehr, and further in view of Yoshida (US
12 pat 5,495,480).

13
14 Regarding claim 29, Landwehr teaches the device of claim 28
15 but does not teach the delay time interval programmed using a
16 delay time interval reference and a communication module
17 reference. Yoshida teaches the delay time interval programmed
18 using a delay time interval reference and a communication module
19 reference (col.1 lines 34-35; col.2 lines 21-41; col.3 lines 20-
20 27; col.5 lines 10-43). It would have been obvious to one of
21 ordinary skill in the art to combine Landwehr's secure
22 identification system with Yoshida's teachings of a
23 disconnecting timer circuit in order to provide a time dependent

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1 disconnecting circuit that is able to accommodate higher level
2 applications (Yoshida col.1 lines 35-60).

3
4 ***Response to Arguments***

5 As to the prior art rejections of the claims, the
6 Applicant's arguments filed on September 7, 2004 have been fully
7 considered but they are not persuasive. The Applicant is arguing
8 that Landwehr does not teach comparing the delay time interval
9 to an activity associated with a system communicating with the
10 network. This argument is not persuasive. Landwehr's system
11 detects whether a user agent has been out of range for more than
12 some preselected time in excess of the polling period (col. 3
13 lines 50-52). The preselected time is a delay time interval.
14 The detection of the user is an activity associated with the
15 system. Landswehr then teaches that the secured computer is
16 attached to an intranet and/or the Internet (col. 4 lines 31-
17 40). Landswehr therefore teaches a system communicating with
18 the network. For these reasons, Landswehr teaches the
19 limitation at issue -- comparing the delay time interval to an
20 activity associated with a system communicating with the
21 network.

22 As to the argument that the claims 15-18 are patentable
23 because they are means plus function claims, the argument has

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1 been fully considered and not deemed persuasive because the
2 corresponding apparatus claims written using structural
3 elements, as opposed to means plus function limitations, are
4 structures falling within the scope of the means plus function
5 limitations. However, based on the Applicant's argument, there
6 is now a question as to whether these structures are the only
7 ones disclosed in the specification that perform the recited
8 functions. The Applicant's argument has therefore prompted the
9 specification objection stated above.

Conclusion

11
12
13 Applicant's submission of an information disclosure
14 statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR
15 1.17(p) on September 7, 2004 and amendments to the claims
16 prompted the new ground(s) of rejection presented in this Office
17 action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
18 § 609(B)(2)(i). Applicant is reminded of the extension of time
19 policy as set forth in 37 CFR 1.136(a).

20
21 A shortened statutory period for reply to this final action
22 is set to expire THREE MONTHS from the mailing date of this
23 action. In the event a first reply is filed within TWO MONTHS
24 of the mailing date of this final action and the advisory action
25 is not mailed until after the end of the THREE-MONTH shortened
26 statutory period, then the shortened statutory period will
27 expire on the date the advisory action is mailed, and any
28 extension fee pursuant to 37 CFR 1.136(a) will be calculated
29 from the mailing date of the advisory action. In no event,
30 however, will the statutory period for reply expire later than
31 SIX MONTHS from the mailing date of this final action.

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1 Any inquiry concerning this communication or earlier
2 communications from the examiner should be directed to Andrew
3 Caldwell, whose telephone number is (571) 272-3868. The
4 examiner can normally be reached on M-F from 9:00 a.m. to 5:30
5 p.m. EST.
6

7 The fax numbers for Group 2100 are as follows:
8

9 Fax Responses: (703) 872-9306
10

11 Any general inquiry relating to the status of this
12 application can be answered using Patent Application Information
13 Retrieval (PAIR) system, which is available at the USPTO web
14 site. Any questions on using the PAIR system should be directed
15 to the Patent Electronic Business Center toll free at (866) 217-
16 9197.
17

18 
19
20
21

22 Andrew Caldwell
23 571-272-3868
24 December 8, 2004
25